

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 PEGGY S. RUFFRA
Supervising Deputy Attorney General
5 SHARON G. BIRENBAUM
Deputy Attorney General
6 State Bar No. 94925
455 Golden Gate Avenue, Suite 11000
7 San Francisco, CA 94102-3664
Telephone: (415) 703-5870
8 Fax: (415) 703-1234
Email: sharon.birenbaum@doj.ca.gov
9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **LAMONT STERLING JOHNSON,**

14 Petitioner,

15 v.

16 **ROBERT HOREL, Warden,**

17 Respondent.
18

C 07-4483 PJH (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
EXTENSION OF TIME TO FILE
ANSWER TO PETITION FOR
WRIT OF HABEAS CORPUS**

19 SHARON G. BIRENBAUM declares under penalty of perjury as follows:

20 1. I am a Deputy Attorney General for the State of California and am responsible for the
21 preparation and filing of an answer to the Petition for Writ of Habeas Corpus.

22 2. On May 29, 2008, this Court filed the Order to Show Cause, which requires respondent
23 to file an answer and relevant trial transcripts within 60 days.

24 3. Petitioner was convicted of special circumstance first degree murder and robbery. He
25 was sentenced to a four year determinate term for robbery, with a consecutive term of life without
26 possibility of parole for the special circumstance murder.

27 4. Respondent has received one 60-day time extension. The answer is now due on
28 September 26, 2008.

7. Petitioner raises 14 issues. The record is voluminous, consisting of 24,727 pages of clerk's and reporter's transcript. It will therefore take a substantial amount of time to review and answer the petition, and prepare the relevant record.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed at San
18 Francisco, California, on September 15, 2008.

2